IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

LETTERS PATENT APPEAL NO. 264 OF 1994

Waman Narayan Bhave ... Appellant

Vs.

Shri. Trupti Dattaram Gawade Respondent

Mrs. S.S. Gokhale for Appellant.

CORAM : F.I. REBELLO & ANOOP V. MOHTA,JJ.
DATED : AUGUST 18, 2004
P.C. :

1. Office note indicates that the notice to be served on the respondent was returned with bailiff's remark "Reported to be dead". This is reflected in the order passed by the Deputy Registrar on 19.1.2002. The learned Counsel states that she has no knowledge of the legal heirs.

2. Whatever may be the position, though the provisions of the Code of Civil Procedure may not be applicable, general principles can be followed. Appeal stands abated. Appeal disposed of as abated.

3. It will be open to the appellants if they get information pertaining to legal heirs to take

appropriate steps to set aside the abatement and get the appeal restored. Even otherwise, the subject matter of the appeal was similar to the subject matter of L.P.A. No. 248 of 1995 which has been disposed of by us by separate judgement today. That judgement otherwise would have covered the present L.P.A.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)